

CHAPTER NO. 734

SENATE BILL NO. 2122

By McNally, Clabough, Burchett, Dixon, Kurita

Substituted for: House Bill No. 3006

By Armstrong, Tindell, Larry Turner, Towns, Brown, Brenda Turner, Bowers, Henri Brooks

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 5, relative to training school personnel to assist with student diabetes care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-415, is amended by adding the following new subsection:

(c)(1) Notwithstanding the provisions of any law, policy, or guideline to the contrary, a local board of education or a governing board for a non-public school may permit school personnel to volunteer to assist with the care of students with diabetes, excluding insulin administration, under the following conditions:

(A) The student's parent or guardian and the student's personal health care team must have developed a medical management plan that lists the health services needed by the student at school and is signed by the student's physician, nurse practitioner, or physician assistant;

(B) The student's parent or guardian must have given permission for the school personnel to volunteer to participate in the care of the student with diabetes, and such written permission must be kept in the student's school records;

(C) Assistance in the care of students with diabetes must be documented in accordance with this subsection; and

(D) The Department of Education and the Department of Health shall, after considering recommendations from national organizations involved with diabetes care, jointly amend current "Guidelines for Use of Health Care Professionals and Health Care Procedures in a School Setting" to reflect the appropriate procedures for use by the school registered nurse (RN) in training school personnel who volunteer to assist with the care of students with diabetes. The guidelines may not take effect and no training under the guidelines may take place until the board of nursing has been afforded an opportunity to review and comment on the guidelines. The guidelines must be used uniformly by all local education agencies that choose to allow school personnel to volunteer to assist with the care of students with diabetes.

(2) The guidelines for assistance with the care of students with diabetes must include the following:

(A) Guidelines for recognition and management of hypoglycemia and hyperglycemia, excluding insulin administration;

(B) Guidelines for understanding the Individual Health Plan (IHP) for a student with diabetes with regard to blood glucose level target ranges, schedules for meals and snacks and actions to be taken in the case of schedule disruption; and

(C) Guidelines for performing blood glucose monitoring, ketone checking, and recording the results.

(3) All school nurses must be educated in diabetes care and must have knowledge of the guidelines. School personnel, who volunteer under no duress to assist with the care of students with diabetes, must receive training pursuant to the guidelines from a school registered nurse. The school registered nurse may use certified diabetes educators and licensed nutritionists to assist with the training. All training must be renewed on an annual basis and competency must be noted in the personnel file. No school personnel shall be required to volunteer for the training. School personnel may not be reprimanded, subject to any adverse employment action or punished in any manner for refusing to volunteer.

(4) If a school nurse is on-site and available to assist, the school nurse must provide any needed diabetes assistance rather than other trained school personnel volunteering to assist the student. In addition, a school registered nurse has primary responsibility for maintaining all student health records.

(5) The following persons shall not be liable in any court of law for injury resulting from reasonable assistance with the care of students with diabetes if performed pursuant to the guidelines developed by the Departments of Health and Education:

(A) Any school registered nurse who provides the training;

(B) Any person who is trained and whose competency is indicated in such person's personnel file as required in subdivision (3); and

(C) Any local board of education or governing board for a non-public school that authorized school personnel to volunteer to assist with the care of students with diabetes.

(6) The activities set forth in this subsection shall not constitute the practice of professional nursing unless performed by an individual licensed by the board of nursing.

(7) Upon written request of the parent or guardian, and if included in the student's medical management plan and in the IHP, a student with diabetes may perform blood glucose checks, administer insulin, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of the

student's diabetes in any area of the school or school grounds and at any school-related activity, and may possess on such student's person at all times all necessary diabetes monitoring and treatment supplies. Any sharps involved in diabetes care and management for a student shall be stored in a secure, but accessible location, until use of such sharps is appropriate. Use and disposal of sharps shall be in compliance with the guidelines set forth by the Tennessee Occupational Safety and Health Administration (TOSHA).

(8) A local education agency shall not assign a student with diabetes to a school other than the school for which the student is zoned or would otherwise regularly attend because the student has diabetes.

(9) School registered nurses who provide training to volunteers under this subsection shall not be subject to any disciplinary or other adverse licensing action by the board of nursing for injury resulting from assistance with the care of students with diabetes if performed pursuant to the guidelines developed by the Departments of Health and Education.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 10, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 24th day of May 2004


PHIL BREDESEN, GOVERNOR